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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,106	12/28/2006	Taro Kurita	292218US8PCT	6053
22850 7590 05/21/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER HAUPT, KRISTY A				
ART UNIT 2876		PAPER NUMBER		
NOTIFICATION DATE 05/21/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/585,106

Applicant(s)

KURITA, TARO

Examiner

KRISTY A. HAUPT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/28/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SI/100)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 6/30/06, 6/6/07, 10/22/07, 5/21/09

DETAILED ACTION

This office action is in response to Application 10/585,106 filed 12/28/06.
Claims 1-6 are pending with claims 1 and 4 in independent form.

Claim Objections

1. Claims 3 and 6 are objected to because of the following informalities:
Claims 3 and 6 state "the original accessing file system" in Line 3 of claim 3 and Lines 3-4 of claim 6 of the claims. There is a lack of antecedent basis for this in the claim or the claims upon which they depend. Appropriate correction is required.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamagata et al. US 2003/0174839 A1 (as cited by Applicant).

Yamagata teaches:

With respect to claim 1, a data communication apparatus having a memory space (Page 2, Paragraphs 0025-0026), the data communication apparatus managing the memory space by separating the memory space

into one or more file systems (Page 2, Paragraph 0026 teaches storing multiple directories each containing multiple applications), the apparatus comprising:

- Authenticating means for requesting performance of one of a mutual authentication and a verification for a security code for each file system to be accessed from an external apparatus or a program (Abstract; Pages 2-3, Paragraph 0028 and Page 3, Paragraph 0034 where each application or directory can only be accessed after the user inputs the corresponding personal identification code for the respective application or directory)
- Authentication information managing means for managing, for each file system, whether the file system is in an authentication-required state in which performance of one of the mutual authentication and the verification for the security code is requested or in a release state in which the access is permitted after the one of the mutual authentication and the verification for the security code is completed (Abstract; Page 3, Paragraph 0046; Page 4, Paragraphs 0055-0056; Page 9, Paragraph 0128 teaches an access permission flag in each application or directory that determines if the application or directory is accessible or not; Page 10, Paragraphs 0157-0158)
- State managing means for returning the file system from the release state to the authentication-required state in response to an

occurrence of a predetermined event (Abstract; Page 10, Paragraph 0152 where the access permission flags are cleared in response to turning off power to the chip or mobile terminal)

With response to claim 3 and incorporating all limitations of claim 1:

- Wherein the state managing means resets the release state of the original accessing file system to the authentication-required state after a predetermined period of time has elapsed since the file system was changed to the release state or after a predetermined period of time has elapsed since the data communication apparatus was powered on (Page 4, Paragraphs 0051-0054 teaches during the start of a transaction session with an external apparatus the user inputs a personal identification code to gain access to the application memory region that will be used and after a predetermined amount of time the chip returns to the state where access is denied until a personal identification code is input)

With respect to claim 4, a method for managing a memory of a data communication apparatus, the data communication apparatus having a memory space (Page 2, Paragraphs 0025-0026) and managing the memory space by separating the memory space into one or more file systems (Page 2, Paragraph 0026 teaches storing multiple directories

each containing multiple applications), the method comprising the steps of:

- (a) Requesting performance of one of a mutual authentication and a verification for a security code for each file system to be accessed from an external apparatus or a program (Abstract; Pages 2-3, Paragraph 0028 and Page 3, Paragraph 0034 where each application or directory can only be accessed after the user inputs the corresponding personal identification code for the respective application or directory)
- (b) Managing, for each file system, whether the file system is in an authentication-required state in which performance of one of the mutual authentication and the verification for the security code is requested or in a release state in which the access is permitted after one of the mutual authentication and the verification for the security code is completed (Abstract; Page 3, Paragraph 0046; Page 4, Paragraphs 0055-0056; Page 9, Paragraph 0128 teaches an access permission flag in each application or directory that determines if the application or directory is accessible or not; Page 10, Paragraphs 0157-0158)
- (c) Returning the file system from the release state to the authentication-required state in response to an occurrence of a predetermined event (Abstract; Page 10, Paragraph 0152 where

the access permission flags are cleared in response to turning off power to the chip or mobile terminal)

With respect to claim 6 and incorporating all limitations of claim 4:

- Wherein step (c) resets the release state of the original accessing file system to the authentication-required state after a predetermined period of time has elapsed since the file system was changed to the release state or after a predetermined period of time has elapsed since the data communication apparatus was powered on (Page 4, Paragraphs 0051-0054 teaches during the start of a transaction session with an external apparatus the user inputs a personal identification code to gain access to the application memory region that will be used and after a predetermined amount of time the chip returns to the state where access is denied until a personal identification code is input)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamagata et al. US 2003/0174839 A1 (as cited by Applicant) in view of Kurita US 2002/0029343 A1 (as cited by Applicant).

The teachings of Yamagata have been discussed above.

Yamagata fails to explicitly teach:

With respect to claims 2 and 5:

- When one of the external apparatus and the program changes the accessing file system to another file system, the state managing means resets the release state of the original accessing file system to the authentication-required state

However, Kurita teaches:

With respect to claims 2 and 5 and incorporating all limitations of claim 1 and 4 respectively:

- When one of the external apparatus and the program changes the accessing file system to another file system, the state managing

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means resets the release state of the original accessing file system to the authentication-required state (Page 4, Paragraphs 0057-0066 where after the application is done being used and is changed to another application in the queue then the access is cancelled for the prior application)

Therefore, it would have been obvious to one of ordinary skill in the art to modify the invention of Yamagata to cancel the access rights to the application when switching to another application, as taught by Kurita, to prevent unauthorized use of applications by users if the card becomes lost or stolen.

Examiner's Note

Examiner has cited particular column and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the Applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the Prior Art or disclosed by the Examiner.

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Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KRISTY A. HAUPT whose telephone number is (571)272-8545. The examiner can normally be reached on M-F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kristy A Haupt/
Examiner, Art Unit 2876

/Michael G Lee/
Supervisory Patent Examiner, Art Unit 2876

